

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

VICTOR A. LUNDY and
MELODY L. LUNDY,

Debtors.

)
)
) B/K Case No. 03-14046-W
) Chapter 7
)
)
)

TO: All Creditors and Parties in Interest

**NOTICE AND APPLICATION FOR SALE OF PROPERTY
FREE AND CLEAR OF LIENS**

YOU ARE HEREBY NOTIFIED that the Trustee in this case is applying for approval to sell the property of the debtors' estate described below according to the terms and conditions stated below.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Clerk of the Bankruptcy Court no later than 20 days from service of the motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on **October 28, 2004 at 10:00 o'clock a.m.** in the United States Bankruptcy Court, 145 King Street, Room 225, Charleston, South Carolina. No further notice of this hearing will be given.

TYPE OF SALE: Private Sale

PROPERTY TO BE SOLD: (a) 1997 Mercury Village Minivan; VIN# 4M2DV1110VDJ49518
(b) 1996 Ford XLT250 truck; VIN # 1FTHX25GXTEA16374

PRICE: (a) \$1,500.00 (cash or certified funds) and waiver of exemption
in the proceeds from the sale.
(b) \$4,000.00 (cash or certified funds) and waiver of exemption
in the proceeds from the sale.

NOTICE: THE TRUSTEE IS SELLING THE ABOVE-REFERENCED PROPERTY "AS IS," WITH NO WARRANTIES WHATSOEVER. THE BUYERS AGREE TO RECEIVE THE PROPERTY WITH ALL FAULTS. THE TRUSTEE MAKES NO WARRANTY, EXPRESS OR IMPLIED, REGARDING THE PROPERTY, AND SPECIFICALLY EXCLUDES ANY IMPLIED WARRANTY OF MERCHANTABILITY AND ANY IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR USE. PROPERTY TO BE CONVEYED BY QUIT CLAIM DEED OR BILL OF SALE.

THE BUYERS HAVE BEEN GIVEN THE OPPORTUNITY TO EXAMINE THE PROPERTY BEFORE SIGNING ANY CONTRACT OR SUBMITTING A BID TO PURCHASE THE PROPERTY, AND TO PERFORM SUCH TESTING, IF APPLICABLE, TO DETECT POSSIBLE LATENT DEFECTS.

APPRAISAL VALUE: (a) \$4,000.00 per NADA
(b) \$7,500.00 per NADA

BUYERS: Victor A. Lundy and Melody L. Lundy
1204 Duncan Drive
Beaufort, SC 29902

(The Buyers are the Debtors in this case)

PLACE, DATE AND TIME OF SALE: This sale shall take place within ten (10) days following the entry of the Order Approving the Sale by the U. S. Bankruptcy Court.

SALES AGENT/AUCTIONEER/BROKER/ETC.: None

EXPENSES OF SALE: None. However, if the property had been sold by the Trustee's sales agent, expenses would have been approximately \$500.00 for both vehicles.

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: None. However, if the property had been sold by the Trustee's sales agent, commission would have been \$1,725.00.

ESTIMATED TRUSTEE'S COMPENSATION: Reasonable compensation to be determined by the Court (but not to exceed the limits set in 11 U.S.C. §326(a)), estimated to be \$1,300.00.

LIENS/MORTGAGES/SECURITY INTERESTS ENCUMBERING PROPERTY: None known.

DEBTOR'S EXEMPTION: In this situation, the vehicles are being sold back to the Debtors. Therefore, the Debtors are utilizing their exemption of \$1,200.00 each for the vehicles towards the purchase price of the equity by waiving their right to receive any exemption in the proceeds.

PROCEEDS ESTIMATED TO BE PAID TO ESTATE: \$5,500.00

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by private sale. Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The Court may consider additional offers at any hearing held on this notice and application for sale. The Court may order at the hearing that the property be sold to another party on equivalent or more favorable terms.

Applicant requests that the ten (10) day stay pursuant to Fed.R.Bankr.P. 6004(g) be waived in this matter and that upon the entry of the Order the Trustee be allowed to immediately enforce and implement the terms of said Order.

The Trustee may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing sale of said property and such other and further relief as may be proper.

/s/ Kevin Campbell
KEVIN CAMPBELL, TRUSTEE
Post Office Box 684
Mt. Pleasant, SC 29465
(843) 884-6874/884-0997(fax)
District Court ID No. 30

Dated: September 17, 2004

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:)	
)	B/K Case No. 03-14046-W
VICTOR A. LUNDY and)	
MELODY L. LUNDY,)	Chapter 7
)	
)	
Debtors.)	

CERTIFICATE OF MAILING

I, Stefanie E. Charles, Legal Assistant to Kevin Campbell, Chapter 7 Bankruptcy Trustee,
hereby certify that I have this day mailed a true and correct copy of the following:

**NOTICE AND APPLICATION FOR SALE OF PROPERTY
FREE AND CLEAR OF LIENS and proposed ORDER
(vehicles)**

by mailing said copies by United States mail, with proper postage affixed thereto and addressed
to the parties on the attached mailing matrix:

/s/ Stefanie E. Charles
STEFANIE E. CHARLES, Legal Assistant
Kevin Campbell, Trustee
Post Office Box 684
Mt. Pleasant, SC 29465
(843) 884-6874/ (843) 884-0997 fax

Mt. Pleasant, South Carolina
Dated: September 17, 2004

Beaufort Memorial Hospital
P O Box 1085
Beaufort SC 29901

Capital One
Post Office Box 85147
Richmond VA 23285

CAPITAL ONE F.S.B.
PO BOX 85167
RICHMOND, VA 23285

Chase
P o Box 15583
Wilmington DE 19886

CHASE MANHATTAN BANK USA NA
C/O CHASE BANKCARD SERVICES INC
PO BOX 52176
PHOENIX AZ 85072-2176

Fleet Credit card
P O Box 15368
Wilmington DE 19886

MBNA America
P O Box 15137
Wilmington DE 19850

MBNA AMERICA BANK NA
PO BOX 15168 MS 1423
WILMINGTON DE 19850

Melody L. Lundy
1204 Duncan Dr.
Beaufort, SC 29902

Philip L. Fairbanks
1214 King Street
Beaufort, SC 29902

Victor A. Lundy
1204 Duncan Dr.
Beaufort, SC 29902

Washington Mutual
P O Box 1093
Northridge CA 91328